

A.C. 44601	:	APPELLATE COURT
CONGREGATION BETH ISRAEL	:	STATE OF CONNECTICUT
V.	:	
HISTORIC PRESERVATION COMMISSION OF THE CITY OF HARTFORD	:	MAY 9, 2022

**MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF**

Pursuant to Practice Book §§ 66-1 and 67-5A, the defendant-appellant, Historic Preservation Commission of the City of Hartford (“Preservation Commission”), respectfully moves this Court to extend its present May 19, 2022 deadline to file its reply brief until 30-days after this Court rules on its April 28, 2022 “own motion.” That motion ordered the parties to file memoranda – on or before May 9, 2022 (today’s date) - that address whether this Court should dismiss this appeal for lack of subject matter jurisdiction<sup>1</sup>. As such, whether the Preservation Commission will need to complete and file its reply brief necessarily depends upon this court’s resolution of that motion. Counsel for the plaintiff, Attorney Matthew J. Hoberman, does not consent to the granting of this motion.

**I. BRIEF HISTORY OF THE CASE**

This appeal arises from the trial court’s (Moukawsher, J.) reversal of the Historic Preservation Commission’s denial of the plaintiff’s application for a permit to demolish an historic building. The Historic Preservation Commission appealed the trial court’s March 2, 2022 judgment on March 22, 2021. The parties attended a pre-argument conference that began on September 27, 2021 and was continued to and concluded on December 17, 2021, but they were unable to come to terms. Thereafter, the Preservation Commission filed its

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<sup>1</sup> The Historic Preservation Commission is filing its opposition to this Court’s motion to dismiss contemporaneously with the filing of this motion.

opening brief on February 28, 2022, the plaintiff filed its appellee's brief on March 29, 2022 and the Preservation Commission's counsel is currently in the process of drafting its reply brief, which is presently due on May 19, 2022, under a first extension this Court granted on April 14, 2022. This Court has since issued its supplemental briefing order on April 28, 2022, which orders the parties to file memoranda giving reasons "why this appeal should not be dismissed for lack of subject matter jurisdiction because the defendant failed to obtain certification to appeal" in accordance with Conn. Gen. Stat. §§ 7-147i and 8-8 (o) and caselaw interpreting same. (Order, AC 213535)

## **II. SPECIFIC FACTS RELIED UPON**

If this Court grants its own motion over the Historic Preservation Commission's contemporaneously filed objection thereto, this appeal will be disposed and the Historic Preservation Commission will not be permitted to file its reply brief. Counsel was in the process of getting up to speed and preparing the reply brief at the time this Court issued its April 28 order, but the Historic Preservation Commission respectfully submits that it should not be tasked with expending additional time and money working on its brief until this potentially dispositive issue is resolved. For this reason, the undersigned respectfully requests an extension of time of 30 days from the date this Court decides its own motion to complete and file its reply brief, should doing so remain necessary.

## **III. LEGAL GROUNDS RELIED UPON**

The defendant relies on Practice Book § 66-1 in support of this motion.

## **IV. STATUS OF THE BRIEF AND CERTIFICATION TO THE CLIENT**

The undersigned has reviewed the record, the docket, and the parties' briefs, and has researched the arguments raised in the plaintiff's responsive brief. The undersigned has made additional progress drafting the rough draft of the reply brief since filing the 4/8/22 motion for extension of time. A copy of this motion will be forwarded in accordance with Practice Book § 66-1(b).

**WHEREFORE**, good cause having been shown, the Preservation Commission moves this Court to grant this motion and extend the deadline to file its reply brief until 30 days after this Court adjudicates its April 28, 2022 own motion.

THE DEFENDANT-APPELLANT,  
HISTORIC PRESERVATION COMMISSION OF THE  
CITY OF HARTFORD

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## **CERTIFICATION**

This certifies that on May 9, 2022, in accordance with Practice Book Section 62-7, this electronically submitted Motion for Extension of Time to File Reply Brief has been delivered to the last known email address of each counsel of record for whom an email address has been provided. This is to further certify that this electronic submission has been redacted or does not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order or case law. Finally, this will certify that this document complies with all other applicable rules of appellate procedure, including, but not limited to, Practice Book Sections 62-7, 66-2 and 66-3.

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